



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA

This meeting is open to the public

May 13, 2010

9:00 AM

**John F. Armstrong Wing at the Blake Library
2351 SE Monterey Road
Stuart, Florida 34996-3331**

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

- 1. Call to Order** - Eric Buermann, Chairman, Governing Board
- 2. Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board
- 3. Local Governmental Officials** - Introduction by Kevin Powers, Governing Board Member representing St. Lucie, Martin, Palm Beach, Broward, Miami-Dade and Monroe Counties
- 4. Agenda Addendum** - Annette Carter, Director, Office of Governing Board & Executive Services
- 5. Abstentions by Board Members from items on the Agenda**
- 6. Water Resource Advisory Commission (WRAC) Report** - Shannon Estenoz, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.**

7. Public Comment on Consent Agenda
8. Pull Items for Discussion from Consent Agenda
9. Board Comment on Consent Agenda

Regulatory Matters

10. Denials

Consent Agreements

Conservation Easement Amendments and Releases

See supporting document: [ca_rp_rm_100_sd.pdf](#)

11. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Permit Requests With Waiver of District Criteria

Concurrence with Executive Directors Emergency Authorizations

See supporting document: [ca_om_rm_101_sd.pdf](#)

Everglades Restoration and Capital Projects

12. **2010-500** A Resolution of the Governing Board of the South Florida Water Management District approving recommendation to the Trustees of the Internal Improvement Trust Fund to release a canal reservation, containing 836.83 acres, more or less, being a portion of Sections 11 and 12, Township 42 South, Range 31 East; Sections 4 and 9, Township 42 South, Range 32 East; and Section 33, Township 41 South, Range 32 East, Glades County, Florida; providing an effective date. (Marcy Zehnder, ext. 6694)

See supporting document: [ca_lr_106_sd.pdf](#)

See resolution document: [ca_lr_106_rd.pdf](#)

13. **2010-501** A Resolution of the Governing Board of the South Florida Water Management District approving release of a canal reservation, containing 3.47 acres, more or less, Lots 1 through 24 inclusive, Block 1, and the 10 foot wide alley in Block 1, Florida City Highlands, Plat Book 20, Page 36, Section 26, Township 57 South, Range 38 East, Miami-Dade County, Florida; providing an effective date. (Marcy Zehnder, ext. 6694)
See supporting document: [ca_lr_107_sd.pdf](#)
See resolution document: [ca_lr_107_rd.pdf](#)
14. **2010-502** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director, or her designee to take appropriate action in the casting of District landowner votes in the June 2010 election for the Board of Supervisors of the Pine Tree Water Control District for the purpose of protecting the District's interests; providing an effective date. (Ruth Clements, ext. 6271)
See supporting document: [ca_lr_103_sd.pdf](#)
See resolution document: [ca_lr_103_rd.pdf](#)
See supporting document: [ca_lr_103_Pine Tree _Landowner Proxy.pdf](#)
15. **2010-503** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director, or her designee to take appropriate action in the casting of District landowner votes in the June 2010 election for the Board of Supervisors of the Pal Mar Water Control District and authorization to quit-claim a quarter acre of land within Pal Mar Water Control District to Jayne Bergstrom for the purpose of protecting the District's interests; providing an effective date. (Ruth Clements, ext. 6271)
See supporting document: [ca_lr_104_sd.pdf](#)
See resolution document: [ca_lr_104_rd.pdf](#)
See supporting document: [ca_lr_104_Pal Mar_Landowner Proxy.pdf](#)
See supporting document: [ca_lr_104_Quitclaim Deed from SFWMD final - PalMar WCD.pdf](#)
16. **2010-504** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director, or her designee to take appropriate action in the casting of South Florida Water Management District landowner votes in the June 2010 election for the Board of Supervisors of the Troup Indiantown Water Control District for the purpose of protecting the District's interests; providing an effective date. (Ruth Clements, ext. 6271)
See supporting document: [ca_lr_105_sd.pdf](#)
See resolution document: [ca_lr_105_rd.pdf](#)
See supporting document: [ca_lr_105_Troup Indiantown_Landowner Proxy.pdf](#)
17. **2010-505** A Resolution of the Governing Board of the South Florida Water Management District authorizing the granting of a Revocable Right of Entry to Florida Power & Light Company for the installation of temporary pump and pipeline for the withdrawal of water from a portion of the L-8 Reservoir Project, in Palm Beach County; providing an effective date. (Bruce Hall, ext. 6541)
See supporting document: [ca_lr_108_sd.pdf](#)

See resolution document: [ca_lr_108_rd.pdf](#)

See supporting document: [ca_lr_108_ExhA_map.pdf](#)

- 18. 2010-506** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year 5-month cooperative agreement with University of Florida Institute of Food and Agricultural Sciences Tropical Research and Education Center for C-111 Spreader Canal Phase 1 Soil, Water, and Groundwater Monitoring for Planned S-18C Water Level Increases and authorize a waiver of competition as an exception to the general standards of competition in the amount of \$239,168, of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$86,406 are budgeted; and the remainder is subject to Governing Board approval of the FY11-12 budgets; providing an effective date. (Contract Number 4600002096) (Scott Huebner, ext. 2319)

See supporting document: [ca_er_restsci_111_sd.pdf](#)

See supporting document: [ca_er_restsci_111_sd1.pdf](#)

See resolution document: [ca_er_rd_15686_BFLD.pdf](#)

Executive Office

- 19. 2010-507** A Resolution of the Governing Board of the South Florida Water Management District to adopt the updated 10 year Strategic Plan of the District for the purpose of establishing priorities, goals, strategies and milestones; providing an effective date (Mike Smykowski, ext. 6295).

See supporting document: [ca_eo_001_sd.pdf](#)

See resolution document: [ca_eo_001_rd.pdf](#)

See supporting document: [ca_eo_001_strategic_plan.pdf](#)

- 20. 2010-508** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2009-2010 budget as shown on the attachment hereto; providing an effective date (Mike Smykowski, ext. 6295)

See supporting document: [ca_eo_002_sd.pdf](#)

See supporting document: [ca_eo_002_sd1.pdf](#)

See resolution document: [ca_eo_002_rd.pdf](#)

- 21.** Denial of Motion for Stay Pending Appeal filed by Close Construction, Inc., Close Construction Inc. v. South Florida Water Management District, Case/Order No. 2010-071-FOF-CONT. (Joe Fiala, ext. 6044)

See supporting document: [ca_oc_001_sd.pdf](#)

- 22. 2010-509** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit to enforce District Statutes and Rules, and to pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against the Latt Maxcy Corporation and Mack Farms, Inc., and any other appropriate or necessary parties, in Osceola County Circuit Court or other appropriate forum, regarding the property located at Sections 7, 18, and 19, Township 31 South, Range 32 East; Sections 12 and 13, Township 31 South, Range 31 East, Parcel Control Numbers 183132000000100000, 133131000000200000, and 193132000000100000, Lake Wales, Osceola County, Florida (Property). (Alison Kelly, ext. 2977)
See supporting document: [ca_oc_004_sd.pdf](#)
See resolution document: [ca_oc_004_rd.pdf](#)
- 23. 2010-510** A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement agreement for \$47,500.00, for any and all claims for damages of any nature, including any claims for attorney fees and/or court costs, for which ad valorem funds are budgeted, and granting of an access easement, in settlement of a declaratory relief and inverse condemnation action against the District, styled Earl Beck v. South Florida Water Management District, filed in the 20th Circuit Court for Glades County, Florida, Case No. 08-ca-0151; providing an effective date. (Ed Artau, ext. 6431)
- 24.** Approve Final Order Closing File regarding petition for administrative hearing filed by Highpoint Tower Technology, Inc. on December 9, 2009, regarding Application No. 091013-10 for a two-year permit extension for Bokeelia Harbor Resort. (Doug MacLaughlin, ext. 2153)
See supporting document: [ca_oc_006_sd.pdf](#)
See supporting document: [ca_oc_006_Order.pdf](#)
- 25. 2010-511** A Resolution of the Governing Board of the South Florida Water Management District authorizing a Stipulation for Final Judgment for \$426,606 inclusive of all statutory attorneys fees and costs, for which ad valorem funds are budgeted, for a condemnation action involving acquisition of construction rights over fifteen (15) parcels of land within the C-4 Emergency Detention Basin and Gravity Wall Project, styled South Florida Water Management District v. Canal Investment, Inc., et al., filed in the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-25887-CA-13; providing an effective date. (Keith Williams, ext. 2791)
See supporting document: [ca_oc_007_sd.pdf](#)
See resolution document: [ca_oc_007_rd.pdf](#)

Regulatory and Public Affairs

- 26.** Enter into a Water Well Delegation Agreement and Second Amendments to Water Well Delegation Agreements with specified governmental entities, as follows:
- A) A Water Well Delegation Agreement with the Highlands County Health Department authorizing the Highlands County Health Department to implement the water well regulatory program set forth in Part III of Chapter 373, Florida Statutes, within its jurisdiction, setting forth the scope of the delegation and the responsibilities of the parties;
 - B) A second amendment to the Water Well Delegation Agreement with the Martin County Health Department to include a provision concerning legal support;
 - C) A second amendment to the Water Well Delegation Agreement with the Okeechobee County Health Department to include a provision concerning legal support; and,
 - D) A second amendment to the Water Well Delegation Agreement with the St. Lucie County Health Department to include a provision concerning legal support.
- (James Harmon, ext 6777)
- See supporting document: [ca_rp_203_sd.pdf](#)
- See supporting document: [ca_rp_203a_sd.pdf](#)
- See supporting document: [ca_rp_203b_sd.pdf](#)
- See supporting document: [ca_rp_203c_sd.pdf](#)
- See supporting document: [ca_rp_203d_sd.pdf](#)
- See resolution document: [ca_rp_203_rd.pdf](#)
- 27.** Authorize publication of a notice of rule making in the Florida Administrative Weekly (FAW) to amend Rule 40E-3.035, F.A.C., to incorporate by reference: 1) the agreements with the following governmental entities: Lee County and the County Health Departments of Broward, Glades, Highlands, Miami-Dade, Orange, Osceola, Polk, and Palm Beach Counties to delegate the implementation of the Water Well Regulatory Program; 2) to incorporate by reference the first amendment to the delegation agreement with the City of Cape Coral, Collier County, and the County Health Departments of Hendry, Martin, Okeechobee, Osceola, and St. Lucie Counties; and, 3) to incorporate by reference the second amendments to the delegation agreements with the Martin, Okeechobee, and St. Lucie County Health Departments to include a provision concerning legal support. (James Harmon, ext. 6777)
- See supporting document: [ca_rp_202_sd.pdf](#)
- 28.** **2010-512** A Resolution of the Governing Board of the South Florida Water Management District to authorize an Amendment to Cooperative Agreement 4600002044 with the Town of Southwest Ranches to add funding for additional flood protection and water quality improvements in the amount of \$205,200 to extend the term by 13 months, from September 3, 2010 to September 30, 2011 and approve a budget transfer of \$180,200 in FY10 (Okeechobee Basin Ad Valorem Funds) from managerial reserves to the Regulatory and Public Affairs resource area and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract No. 4600002044-A01)(Damon Meiers, ext. 6876)

See supporting document: [ca_rp_302_sd.pdf](#)

See resolution document: [ca_rp_302_rd.pdf](#)

See resolution document: [ca_rp_302a_rd.pdf](#)

- 29. 2010-513** A Resolution of the Governing Board of the South Florida Water Management District approving the Joint Agreement between the McDaniels Reserve Realty Holdings, LLC and the South Florida Water Management District for the purpose of implementing a Best Management Practices Program to reduce phosphorus in stormwater discharges to the Everglades Protection Area; providing an effective date. (Pamela Wade, ext 6901)

See supporting document: [ca_rp_102_sd.pdf](#)

See resolution document: [ca_rp_102_rd.pdf](#)

- 30. 2010-514** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost share agreement with the City of Port St. Lucie for the Howard Creek Stormwater Quality Retrofit for one year in the amount of \$964,884, for which state appropriations are budgeted for fiscal year 2010; providing an effective date. (Contract No. 4600002098) (Kathryn LaMartina, ext. 3603)

See supporting document: [ca_rp_303_sd.pdf](#)

See resolution document: [ca_rp_rd_15805_BFLD.pdf](#)

- 31. 2010-515** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Public Education Partnership for Northern Everglades and Kissimmee Basin with the Live Oak Production Group and authorize a Waiver of Competition as an exception to the general standards of competition, in the amount of \$75,000; and approve a budget transfer of \$40,000 in FY10 (District ad valorem funds) from managerial reserves to the Regulatory and Public Affairs resource area and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Request Form No. 700000000365) (Barbara Ross, ext. 2066)

See supporting document: [ca_rp_301_sd.pdf](#)

See resolution document: [ca_rp_rd_15804_BFLD.pdf](#)

- 32.** Enter a Final Order Partially Rescinding Water Shortage Order No. 2007-870-DAO-WS for users within the service areas of the City of Lake Worth and the City of Hallandale Beach. (Peter Kwiatkowski, ext. 2547)

- 33.** Enter a Final Order Rescinding Emergency Order No. 2009-098-DAO-WS, which modified Emergency Order No. 2007-109-DAO-WS, and imposed specific water supply related actions concerning the City of Lake Worth's Public Water Supply Facilities. (Peter Kwiatkowski, ext. 2547)

- 34.** Enter into an Operational Agreement with the City of Lake Worth to modify the wellfield operating plan, reduce pumpage from its Surficial aquifer system wellfield, and require the submittal of a safe yield study and installation of an additional monitoring well. (Peter Kwiatkowski, ext. 2547)

See supporting document: [da_rp_204_sd.pdf](#)

See resolution document: [da_rp_204_rd.pdf](#)

Corporate Resources

- 35.** Authorization by the Governing Board of the South Florida Water Management District to designate position number 002197 to Deputy Executive Director, Regulatory and Public Affairs, for the purpose of participation in the Florida Retirement System Senior Management Service Class, with a proposed effective date of June 1, 2010. (Lourdes Ramos, ext. 6370)

See supporting document: [ca_cr_001_sd.pdf](#)

Operations and Maintenance

- 36. 2010-516** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Knight Property Management Services Incorporated, the lowest responsive and responsible bidder, for Slope Mowing Services within the region of the West Palm Beach Field Station, in the amount of \$379,103 for which ad valorem funds of \$32,236 are budgeted; and the remainder is subject to Governing Board approval of the FY11-FY13 budgets; providing an effective date. (Contract Number 4600002113) (Justin Pace, ext. 4189)

See supporting document: [ca_om_001_sd.pdf](#)

See resolution document: [ca_om_rd_15672_BFLD.pdf](#)

See supporting CJSS: [ca_om_001_cjss.pdf](#)

- 37. 2010-517** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 276 day contract with Expert Construction Managers Incorporated, the lowest responsive and responsible bidder, for the S-65D Telemetry Tower Replacement in the amount of \$895,000 for which ad valorem funds of \$283,842 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002111) (Robin Deaton, ext. 4062)

See supporting document: [ca_om_003_sd.pdf](#)

See resolution document: [ca_om_rd_15701_BFLD.pdf](#)

See supporting CJSS: [ca_om_003_cjss.pdf](#)

- 38. Board Vote on Consent Agenda**

Workshop Agenda

39. State of Water Resources

A) Water Conditions & Water Supply Report - Susan Sylvester, Director, Operations Control & Hydro Management Department (ext. 6152)

B) Ecological Conditions Report - Peter Doering, Chief Environmental Scientist, Restoration Sciences Department (ext. 2772)

C) US Army Corps of Engineers' Lake Okeechobee Report - LTC Michael Kinard, Deputy District Commander, South Florida, Jacksonville District, US Army Corps of Engineers

40. C-44 Reservoir and STA Update - Jeff Kivett, Director, Everglades Engineering Department, Everglades Restoration and Capital Projects (ext. 4018)

41. Upper East Coast Water Supply Plan Update - Mark Elsner, Director, Water Supply Development Division, Regulatory and Public Affairs (ext. 6156)

Discussion Agenda

Everglades Restoration and Capital Projects

- 42. 2010-518** A Resolution of the Governing Board of the South Florida Water Management District authorizing a final purchase offer of \$1,746,275 and eminent domain proceedings for the acquisition of certain land interests, consisting of 690.25 acres, more or less, in Osceola County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project for which ad valorem (Capital Projects Okeechobee) and dedicated (Florida Forever Trust Fund) funds are budgeted; providing an effective date. (Bob Schaeffer, ext. 2985)

See supporting document: [da_lr_101_Bronson_sd.pdf](#)

See resolution document: [da_lr_101_Bronson_rd.pdf](#)

See supporting document: [da_lr_101_Bronson_Legal_ExhA.pdf](#)

See supporting document: [da_lr_101_Bronson_map_ExhAA.pdf](#)

See supporting document: [da_lr_101_Bronson_Exhibit B.pdf](#)

- 43. 2010-519** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 690.25 acres for the Kissimmee River Restoration and Headwaters Revitalization Project, in Osceola County, and requesting the release of funds from the Florida Forever Trust Fund for acquisition of such land interests, together with statutory costs and associated costs; providing an effective date. (Bob Schaeffer, ext. 2985)

See resolution document: [da_lr_102_Bronson_rd.pdf](#)

See supporting document: [da_lr_102_Bronson_Legal_ExhA.pdf](#)

See supporting document: [da_lr_102_Bronson_map_ExhAA.pdf](#)

Regulatory and Public Affairs

- 44. 2010-520** A Resolution of the Governing Board of the South Florida Water Management District supporting the Governor designating May 16-22, 2010 as Water Reuse Week in Florida; providing an effective date. (Mark Elsner, ext. 6156)

See supporting document: [da_rp_201_sd.pdf](#)

See resolution document: [da_rp_201_rd.pdf](#)

Operations and Maintenance

- 45. 2010-521** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with two one-year renewal options with DNK Environmental Incorporated, the lowest responsive and responsible bidder, for Datalogger Recorder Maintenance Services at ground water and surface water monitoring sites in the southeast region of the District in the not-to-exceed amount of \$2,800,000 of which ad valorem funds in the amount of \$170,841 are budgeted; and the remainder is subject to Governing Board approval of the FY11-FY13 budgets; providing an effective date. (Contract Number 4600002130) (Garnett Ritchie, ext. 4616)

See supporting document: [da_om_004_sd.pdf](#)

See resolution document: [da_om_rd_15761_BFLD.pdf](#)

See supporting CJSS: [da_om_004_cjss.pdf](#)

46. Public Comment

- Regulatory Policy Issues
- General Public Comment

Staff Reports

Executive Office

47. Legislative Update - Ernie Barnett

48. General Counsel Report - Sheryl Wood

SFWMD v. Jerjo, Inc., Jerjo Limited, Inc., and Ibis Club at Naples Condominium Association, Inc.: The Office of Counsel is initiating administrative enforcement proceedings, pursuant to Section 373.119, Florida Statutes, against Jerjo, Inc., related to alleged non-compliance with environmental resource permit conditions for property located in Collier County and otherwise involving permit number 11-01763-P. Jerjo Limited, Inc. owns the off-site mitigation area required in the permit. Office of Counsel is also initiating administrative enforcement proceedings against Ibis Club at Naples Condominium Association, Inc. for operating a surface water management system without the required permit. (Alison Kelly, ext. 2977)

SFWMD v. Villas at Mandalay Development, LLC and Homeowners Association of Mandalay, Inc.: The Office of Counsel is initiating administrative enforcement proceedings, pursuant to Section 373.119, Florida Statutes, against the Villas at Mandalay Development, LLC, related to alleged non-compliance with environmental resource permit conditions for property located in Collier County and otherwise involving permit number 11-02292-P, and against the Homeowners Association of Mandalay, Inc., for operating a surface water management system without the required permit. (Alison Kelly, ext. 2977)

See supporting document: [ca_oc_003_Mandalay_sd.pdf](#)

See supporting document: [ca_oc_002_Jerjo_sd.pdf](#)

49. Executive Director's Report - Carol Wehle

- Report on Permits Issued by Authority Delegated to Executive Director from April 1 to April 30, 2010

See supporting document: [IP Issued by ED April.pdf](#)

50. Board Comment

Attorney Client Sessions

Executive Office

51. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt, F. Bartolone. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, ext. 6976)

52. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades and Fishermen Against Destruction of the Environment v. South Florida Water Management District, et al., United States Court of Appeals, Eleventh Circuit, Case No. 07-13829-HH; Miccosukee Tribe of Indians of Florida, Friends of the Everglades v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, F. Bartolone. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades and Fishermen Against Destruction of the Environment v. South Florida Water Management District, et al., United States Court of Appeals, Eleventh Circuit, Case No. 07-13829-HH; Miccosukee Tribe of Indians of Florida, Friends of the Everglades v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, ext. 6976)

53. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817, and New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, K. Burns, J. Nutt. (Sheryl. G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817, and New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818. (Sheryl. G. Wood, ext. 69976)

54. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in SFWMD v. Canal Investment, Inc., et al., Case No. 08-78867 CA 32. Consideration of Settlement Agreement for 15 parcels along C-4 Canal in Miami-Dade County.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt, F. Bartolone, K. Williams. (Sheryl. G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in SFWMD v. Canal Investment, Inc., et al., Case No. 08-78867 CA 32. (Sheryl. G. Wood, ext. 6976)

- 55.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC and Miami-Dade County Tax Collector, 11th Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl. G. Wood, ext. 6976)

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, F. Bartolone, M. Compagno. (Sheryl. G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

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Adjournment

- 56. Adjourn**